

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. 05-263
FM Broadcast Stations	)	RM-11269
(Grants and Church Rock, New Mexico)	)	

**RECEIVED**

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

NOV - 1 2005

Federal Communications Commission  
Office of Secretary

**REPLY COMMENTS AND ERRATA**

College Creek Broadcasting, LLC and Desert Sky Media, LLC, (together, the "Joint Parties"), by their counsel, hereby submit these Reply Comments and Errata. On October 17, 2005, the Joint Parties submitted a counterproposal in the above captioned proceeding. After reviewing their counterproposal, the Joint Parties noticed the following typographical errors:

1. On page 1 of the legal narrative, the entry for Cottonwood, AZ and Lake Havasu City, AZ on the FM Table of Allotments should read:

Community	Channel	
	Existing	Proposed
Cottonwood, AZ	239C0, 289C3	289C3
Lake Havasu City, AZ	244C2, 266C0, 272C2, 283C2, 289C3	244C2, 272C2, 283C2, 289C3

2. On page 11 of the legal narrative at paragraph 29, the second sentence should read, "Channel 239C at St. Johns is currently used by Station KWKM(FM)."
3. On page 17 of the legal narrative at paragraph 44, the first and second sentences should read, "In order to allot Channel 285C2 at Laughlin, Nevada, the vacant allotment at Peach Springs, Arizona must change from Channel 285C3 to Channel 267C3. Channel 267C3 can be allotted to Peach Springs at new reference coordinates provided that Channel 267A is deleted at Ash Fork."

4. On page 22 of the legal narrative at paragraph 60, the first sentence should read, "In order to allot Channel 290A at Bagdad, Arizona, the vacant Channel 290C2 allotment at Quartzsite, Arizona must change from Channel 290C2 to Channel 251C2."
5. The entries for Cottonwood, AZ, and Lake Havasu City, AZ need to be added to the FM Table of Allotments in the engineering exhibit as follows:

Community	Existing	Proposed
Cottonwood, AZ	239C0, 289C3	289C3
Lake Havasu City, AZ	244C2, 266C0, 272C2, 283C2, 289C3	244C2, 272C2, 283C2, 289C3

The Joint Parties also note that the assignment of Station KCLS(FM) from Ruby Radio Corporation to College Creek Broadcasting, LLC (referred to on page 6, paragraph 15 of the legal narrative) was consummated on October 25, 2005.

The Joint Parties have also discovered a petition for rule making that conflicts with the Joint Parties' proposal allot Channel 256C at Ely, Nevada. Specifically, on October 24, 2005, L. Topaz Enterprises, Inc. ("L. Topaz") filed a petition for rule making to allot Channel 257C at Elko, Nevada. This petition, however, is defective and must be dismissed because, on June 9, 2005, the FCC imposed a freeze on the filing of petitions to modify the FM Table of Allotments.<sup>1</sup> Nevertheless, if the Commission does not dismiss this petition, but instead considers it a counterproposal in this proceeding, the Joint Parties have determined that the following channels can be substituted at the site specified by L. Topaz at Elko: 222C, 258C, 259C, 261C, 262C, 263C, 265C, 274C, 276C, 284C, 285C, 288C, 289C, 293C, 294C, 295C,

---

<sup>1</sup> See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Notice of Proposed Rule Making*, FCC 05-120, ¶ 47 (2005).

296C, and 299C. None of these channels conflict with the Joint Parties proposal to allot Channel 256C at Ely, Nevada.

Finally, the Joint Parties' engineers have discovered a technical solution that will eliminate the conflict with the Petitioner's proposal to allot Channel 279C at Church Rock, New Mexico. In discussions with the Petitioner's engineering consultants, the Joint Parties learned that the Petitioner was looking for an alternate channel at Teec Nos Pos, Arizona in order to eliminate the conflict with the Joint Parties' proposal. After this conversation, the Joint Parties engineers also began looking for an alternate channel in order to accommodate the Petitioner's proposal. The Joint Parties have determined that Channel 293C1 can be allotted at Fredonia.<sup>2</sup> As a result of this alternate channel at Fredonia, changes are no longer required for the vacant allotment at First Mesa, Arizona and thus, no changes are necessary for College Creek's permit at Teec Nos Pos, Arizona. Therefore, there is no longer a conflict with the Petitioner's proposal to allot Channel 279C at Church Rock, New Mexico.

WHEREFORE, the Joint Parties respectfully request that the Commission accept the above referenced corrections to the Joint Parties' Counterproposal. In addition, the Joint Parties request that the Commission modify the Joint Parties' Counterproposal to (i) allot Channel 293C1 at Fredonia (instead of Channel 247C1), (ii) remove the proposal to allot Channel 237C at First Mesa, Arizona, and (iii) remove the proposal to allot Channel 278C2 at Teec Nos Pos, Arizona. These modifications will remove any conflict with Petitioner's proposal to allot Channel 279C at Church Rock, New Mexico.

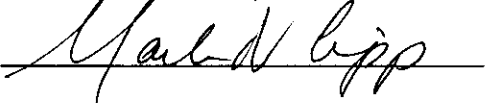
---

<sup>2</sup> A channel study for Channel 293C1 at Fredonia, Arizona is attached hereto. The following alternate channels can also be allotted at Fredonia: 237, 238, 242, 258, 282, 283, and 294.

Respectfully submitted,

COLLEGE CREEK BROADCASTING,  
LLC

DESERT SKY MEDIA, LLC

By: 

Mark N. Lipp

J. Thomas Nolan

Scott Woodworth

Vinson & Elkins L.L.P.

1455 Pennsylvania Ave, NW, Suite 600

Washington, DC 20004-1008

(202) 639-6500

Their Counsel

November 1, 2005

# Engineering Statement

In Support of a

## Counterproposal

The Joint Parties

MB Docket 05-263, RM-11269

Allocation Study - Ch 293C1 at Fredonia, AZ

Allocating Ch 293C1 as replacement service for Ch 278C1 at Fredonia, AZ

(Using current allotment coordinates as reference)

### REFERENCE

36 53 00 N

CLASS = C1

### DISPLAY DATES

DATA 11-01-05

112 11 40 W

Current Spacings

SEARCH 11-01-05

----- Channel 293 ~ 106.5 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
KSNEFM	LIC 293C	Las Vegas	NV 270.09	249.7	270.0	0.09
KSNEFM	APP 293C	Las Vegas	NV 270.13	249.7	270.0	0.13
AL291	RSV 291C2	St. George	UT 115.70	268.4	79.0	36.70
KSNN	LIC 291C2	St. George	UT 115.70	268.4	79.0	36.70

## CERTIFICATE OF SERVICE

I, Diana Gonzales, a secretary in the law firm of Vinson & Elkins, do hereby certify that I have on this 1st day of November, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Reply Comments and Errata**" to the following:

\*R. Barthen Gorman  
Federal Communications Commission  
445 12th Street, SW  
Room 2-B428  
Washington, DC 20554

James P. Riley, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 North 17th Street, 11th Floor  
Arlington, VA 22209

Gla-Mar Broadcasting, LLC  
1289 North 1500 East  
Logan, UT 84341

KHWY, Inc.  
12381 Wilshire Blvd., Ste. 105  
Los Angeles, CA 90025

Marissa G. Repp, Esq.  
Hogan and Hartson, LLP  
555 13th Street, NW  
Washington, DC 20004-1109  
(Counsel to KHWY, Inc.)

Sierra H Broadcasting, Inc.  
Ste. 255, 7434 East Stetson Drive,  
Scottsdale, AZ 85251

Dawn M. Sciarrino, Esq.  
Sciarrino & Associates, PLLC  
5425 Tree Line Drive  
Centreville, VA 20120  
(Counsel to Sierra H Broadcasting, Inc.)

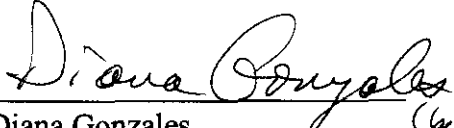
Ruby Radio Corporation  
1250 Lamoille Highway, Ste. 944  
Elko, NV 89801

Yavapai Broadcasting Corporation  
3405 East Highway 89A  
Building A  
Cottonwood, AZ 86326

Route 66 Broadcasting, LLC  
812 East Beale Street  
Kingman, AZ 86402

Jeffrey L. Timmons, Esq.  
Jeffrey L. Timmons, PC  
3235 Satellite Blvd.  
Bldg. 400, Suite 300  
Duluth, GA 30096-8688  
(Counsel to KM Radio of St. Johns, LLC)

Canyon Media Corporation  
PO Box 570  
Logan, UT 84323

  
Diana Gonzales (by HNC)

\* HAND DELIVERED